

REMARKS

Applicant has carefully studied the Office Action of December 18, 2003 and offers the following remarks in response thereto. Applicant further appreciates the telephonic interview of March 3, 2004 when claim 1 was discussed. Where appropriate, Applicant references the telephonic interview.

Before addressing the rejections, Applicant takes a moment to provide an overview of the present invention so that the remarks are considered in the proper context. The present invention is designed to allow media gateways and media gateway controllers that reside on separate IP networks to communicate with one another. The media gateway and media gateway controller communicate with one another via control protocol messages. An exemplary control protocol is MEGACO. When placed on the seven layer TCP/IP protocol stack, MEGACO specifically, and control protocol messages in general, fall within the application layer of the stack, particularly layer 6 of the protocol stack. As such, IP addresses within layer 6 are typically "buried" fairly deep in the protocol stack, and may be surrounded by text while being expressed as a number such as 10.1.2.3. The present invention parses the packet, finds the IP address buried therein, converts the IP address, and places the converted address back into the packet. The conversion or translation of the IP address is done via a network address translation (NAT) scheme.

It is worth noting that the PPP connection of Zhang et al. is a transport or hardware layer in the protocol stack - layer 2, specifically, and is lower in the stack than the control protocol messages.

Claims 1-4 and 7-10 were rejected under 35 U.S.C. § 103 as being unpatentable over Zhang et al. (hereinafter "Zhang") in view of Cave et al. (hereinafter "Cave"). Applicant respectfully traverses. When the Patent Office combines references, the Patent Office is required to articulate a motivation to combine the references. Further, the combination must show each and every claim element. MPEP § 2143.03. If the combination does not show all the claim elements, the Patent Office must articulate a reason to modify the combination. This motivation must be supported by objective evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999).

As discussed in the telephonic interview, a straight combination of Zhang and Cave results in Zhang's NAT being performed on the IP addresses in the PPP layer, while the control protocol messages are buried in the deeper layers of the protocol stack. Such an arrangement would resemble the situation described and criticized at page 1, lines 24-27 of the application.

Specifically, there is nothing within this arrangement that teaches or suggests digging into the protocol stack to find the IP address within the control protocol message and translating this buried IP address. Absent such a teaching or suggestion to modify the combination, the combination does not show the claim element, and the Patent Office has not established *prima facie* obviousness.

During the telephonic interview, the Examiner indicated that he could see the difference between the claimed invention and the combination and requested that these positions be provided in the written response. Applicant herein provides these positions in written form so that the positions may be made of record. The Examiner indicated that he would need to do a further search to see if something taught or suggested this control protocol NAT, but that in light of the differences between a control protocol and a PPP, claim 1 as presented defined over the rejection of record.

While claim 1 was specifically discussed, all of the claims have, in relevant part, similar elements. Claim 1 recites "translating an IP address within said control protocol message"; claim 7 recites "translating the IP address . . . included within said control protocol message . . ."; and claim 9 recites "translating the IP address . . . included within said control protocol message" Thus, claims 1, 7, and 9 recite language that indicates that the translation is done on the IP address within the control protocol message. As Zhang and Cave do not teach or suggest this element, claims 1, 7, and 9 define over the rejection of record. Claims 2-4, 8, and 10 depend from claims 1, 7, and 9, respectively, and are patentable at least for the same reasons.

Claims 5, 6, and 11-18 were rejected under 35 U.S.C. § 103 as being unpatentable over Zhang in view of Cave and Morris et al. (hereinafter "Morris"). Applicant respectfully traverses. The standard for obviousness is set forth above.

Claim 5 recites that the Network Address translator is for "translating the IP address . . . included within said control protocol message . . ."; claim 11 recites "translating IP addresses within said control protocol messages . . ."; claim 13 recites "translate IP addresses within said control protocol message . . ."; and claim 15 recites "translate IP addresses within said control protocol message" Thus, all the independent claims recite that the translation occurs on an IP address within the control protocol message. As discussed above, the combination of Zhang and Cave does not show this control protocol translation, but rather shows translation of a PPP IP address. Nothing in Morris cures the deficiency of the underlying combination. Since Zhang

and Cave do not teach the element, and Morris does not teach the element, the combination of references cannot teach or suggest the element and the independent claims define over the rejection of record.

Dependent claims 6, 12, 14, and 16-23, by virtue of their dependencies on the independent claims, are patentable at least for the same reasons.

Applicant requests reconsideration of the rejection in light of the remarks presented herein. The combination does not teach the translation of the control protocol messages. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: 

Benjamin S. Withrow
Registration No. 40,876
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

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